

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	CR. NO. 3:07-1392 (CMC)
)	
v.)	OPINION and ORDER
)	
Jeff Eric Chesser,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant's motion to correct sentence under 28 U.S.C. § 2255, arguing that in light of the Supreme Court's holding in *Johnson v. United States*, 576 U.S. ___, 135 S.Ct. 2551 (2015), Defendant is no longer an armed career criminal and should be resentenced. ECF Nos. 118, 121. Defendant filed a consent supplemental motion arguing that, in light of *Mathis v. United States*, ___ U.S. ___, 136 S. Ct. 2243 (2016), he no longer has the requisite three predicate offenses to qualify as an Armed Career Criminal, and therefore should be resentenced. ECF No. 122. The Government agreed that Defendant's sentence should be vacated and he should be resentenced. *Id.*

The court **grants** the motion for relief under 28 U.S.C. § 2255. The Judgment Orders as to Jeff Eric Chesser in CR 3:07-1392 filed April 18, 2008 and March 22, 2010, are hereby **vacated**, and this matter is set for resentencing on **Wednesday, September 28, 2016 at 2:00 p.m.**

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
August 22, 2016